



# THE MAINE CEO

A PERIODIC NEWSLETTER FOR  
CODE ENFORCEMENT TRAINING & CERTIFICATION  
PROGRAM INFORMATION

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## EXISTING LAWS

**DRIVEWAY/ENTRANCE PERMITS – A REMINDER FROM THE DEPARTMENT OF TRANSPORTATION.** IN INSTANCES WHERE A DRIVEWAY, ENTRANCE, OR TRAFFIC MOVEMENT PERMIT IS REQUIRED UNDER TITLE 23, SECTION 704 OR 704-A A CODE ENFORCEMENT OFFICER MAY NOT ISSUE A PERMIT FOR A BUILDING OR USE UNTIL THE APPLICANT HAS OBTAINED A PERMIT FROM THE DEPARTMENT OF TRANSPORTATION. IN SOME CASES INVOLVING URBAN COMPACT AREAS AND TOWN ROADS, A MDOT PERMIT IS NOT REQUIRED, HOWEVER, THE APPLICANT SHOULD ALWAYS CHECK BEFORE TAKING ACTION. A CALL TO ONE OF THE REGIONAL OFFICES WILL CLARIFY ANY SITUATION IN QUESTION. IN SHORT, WHEN REQUIRED, YOU AS A CEO NEED TO SEE A MDOT PERMIT PRIOR TO ISSUING A BUILDING PERMIT.

Title 23 MRSA § 704, paragraph 1: “It is unlawful to construct or maintain any driveway, entrance or approach within the right-of-way of any state highway or state aid highway, as defined in section 53, that lies outside the compact area of an urban compact municipality, as defined in section 754, without a written permit from the Department of Transportation or, if within the compact area, without a written permit from the proper municipal officials. The right-of-way is considered the full width of the right-of-way as laid out by the State, the county or the municipality.”

The full statute may be found at:

[HTTP://JANUS.STATE.ME.US/LEGIS/STATUTES/23/TITLE23SEC704.HTML](http://janus.state.me.us/legis/statutes/23/title23sec704.html)

**CHIMNEY OR FIREPLACE CONSTRUCTION/INSTALLATION DISCLOSURE FORM-**  
**A REMINDER FROM THE FIRE MARSHAL’S OFFICE.** TITLE 32, SECTION 2313-A  
REQUIRES THAT ANYONE WHO INSTALLS A CHIMNEY OR A FIREPLACE MUST ISSUE

THE DISCLOSURE TO THE CUSTOMER PRIOR TO THE INSTALLATION OF THE CHIMNEY. THIS LAW HAS BEEN AROUND FOR OVER 10 YEARS. THE STATUE IS FROM THE OIL AND SOLID FUEL BOARD AND THE INTENT IS TO PROTECT THE CONSUMER SINCE INSTALLERS ARE NOT REQUIRED TO BE LICENSED IN THE STATE. THE DISCLOSURE APPLIES TO ALL CHIMNEYS OR FIREPLACES INCLUDING RESIDENTIAL AND COMMERCIAL.

TITLE 32, SECTION 2313-A READS:

Effective January 1, 1992, a chimney or fireplace installer must issue a disclosure to any consumer prior to the installation taking place. Disclosures must be in a format determined by the board and contain the information the board considers necessary. [1991, c. 198, §12 (new).]

Any chimney or fireplace installer who fails to provide a disclosure to a consumer prior to the installation of a chimney or fireplace commits a civil violation for which a forfeiture of not less than \$500 may be adjudged. [RR 1991, c. 1, §46 (cor).]

If you need a copy of the Disclosure Form, please log onto the State Planning Office web site at [www.maine.gov/spo](http://www.maine.gov/spo) and click on the Code Enforcement Officer Training and Certification section under Frequently Asked Questions or give us a call at 287-8056.

**HOME CONSTRUCTION CONTRACTS** -TITLE 10 MRSA § 1487 STATES: ANY HOME CONSTRUCTION CONTRACT FOR MORE THAN \$3,000 IN MATERIALS OR LABOR MUST BE IN WRITING AND MUST BE SIGNED BY BOTH THE HOME CONSTRUCTION CONTRACTOR AND THE HOMEOWNER OR LESSEE. BOTH THE CONTRACTOR AND THE HOMEOWNER OR LESSEE MUST RECEIVE A COPY OF THE EXECUTED CONTRACT PRIOR TO ANY WORK PERFORMANCE. THE BASIC CONTRACT MUST CONTAIN THE ENTIRE AGREEMENT BETWEEN THE HOMEOWNER OR LESSEE AND THE HOME CONSTRUCTION CONTRACTOR AND MUST CONTAIN AT LEAST THE FOLLOWING PARTS (PLEASE REFER TO TITLE 10, SECTION 1487 FOR DEFINITIONS): NAMES OF PARTIES, LOCATION, WORK DATES, CONTRACT PRICE, PAYMENT, DESCRIPTION OF WORK, WARRANTY, RESOLUTION DISPUTES, CHANGE ORDERS, DOOR-TO-DOOR SALES, RESIDENTIAL INSULATION, AND ENERGY STANDARDS.

